

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

KELVIN LANEIL JAMES,

Petitioner,

v.

UNITED STATES OF AMERICA, et al.,

Respondents.

Case No. 2:25-cv-00082-ART-NJK

ORDER DISMISSING PETITION

Petitioner Kelvin James has filed a petition under 28 U.S.C. § 2255 to vacate, set aside, or correct a sentence by a person in federal custody. (ECF No. 1-1.)

It appears that Plaintiff is challenging his state court judgment of conviction for voluntary manslaughter in the Eighth Judicial District Court of Clark County, Nevada, and has used the incorrect form. A challenge to a state court conviction should be filed on a 28 U.S.C. § 2254 form.

Additionally, Plaintiff already has a counseled petition for a writ of habeas corpus under 28 U.S.C. § 2254 pending before this court (Case No. 3:24-cv-286-ART-CSD), challenging what appears to be the same judgment of conviction. (See 3:24-cv-286 at ECF No. 1-1.) Whether the Court construes this document as a motion to amend the earlier § 2254 petition, or as a new petition, it is fugitive document because James is represented by counsel in his earlier petition. Local Rule IA 11-6(a) (once an attorney has made an appearance on behalf of a party, that party may not personally file a document with the court). The Court will therefore dismiss this petition as a fugitive document.

It is therefore ordered that this petition is DISMISSED.

It is further ordered that a certificate of appealability will not issue.

1 It is further ordered that the Clerk of Court ENTER JUDGMENT dismissing  
2 this petition and CLOSE this case.

3  
4 Dated this 21<sup>st</sup> day of January, 2025

5  
6 

7 ANNE R. TRAUM  
8 UNITED STATES DISTRICT JUDGE  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28